

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Telephone Number Portability)

CC Docket No. 95-116

RM-8535

**REPLY TO OPPOSITIONS TO THE PETITION FOR RECONSIDERATION
OF THE ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT OF
SMALL TELECOMMUNICATIONS COMPANIES AND THE
UNITED STATES TELEPHONE ASSOCIATION**

The Organization for the Advancement and Promotion of Small Telecommunications Companies ("OPASTCO") and the United States Telephone Association ("USTA") hereby reply to oppositions filed by AT&T Corp., MCI Telecommunications Corp. and WorldCom, Inc. to the request of OPASTCO and USTA that the Commission reconsider its *Second Report and Order* in the above-referenced proceeding.^{1 2}

¹ *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, RM-8535, *Second Report and Order*, FCC 97-289 (rel. Aug. 18, 1997) ("*Second Report and Order*").

² OPASTCO and USTA note that two of these three oppositions were served by mail. Since the majority of the oppositions were served by mail, OPASTCO and USTA take this opportunity to file a single reply pursuant to section 1.4(h) of the Commission's Rules, 47 C.F.R. § 1.4(h), which allows an additional 3 days (excluding holidays) for the filing of a response.

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Significantly, none of the oppositions attempt to refute OPASTCO's and USTA's core argument that the capital contributions required of LLC members are not "modest" when viewed from the perspective of a small or mid-size LEC. OPASTCO and USTA provided specific examples of the serious financial impact that these requirements would impose on small and medium-size LECs. The examples prove OPASTCO's and USTA's point, a point which AT&T, MCI and WorldCom understandably do not bother to rebut.

Far from seeking a "free ride" (WorldCom at 7) or attempting to "obtain 'something for nothing'" (MCI at 3), OPASTCO and USTA have consistently supported the legal requirement that "[t]he cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis" (47 U.S.C. § 251(e)(2)). LLC costs should be shared by all carriers even if a few carriers are willing to shoulder the entire cost on a voluntary basis. Thus, OPASTCO and USTA do not oppose WorldCom's suggestion of cost recovery for LLC contributions (WorldCom at 8), so long as WorldCom and others do not oppose free participation for all carriers in the absence of cost recovery. It would obviously be inappropriate and anticompetitive for any carrier to seek cost recovery for their LLC contributions to the extent they have attempted to use those very same contributions as a barrier to the participation of smaller competitors, by effectively setting the price of participation out of the reach of those competitors.

The predictable attempts of AT&T, MCI and WorldCom to argue that OPASTCO's and USTA's petition is untimely are unpersuasive and should be rejected by the Commission. OPASTCO and USTA listed several reasons in their petition which establish that the petition does in fact rely on new facts and/or changed circumstances (Petition at 5-6). Most of these reasons were ignored by AT&T, MCI and WorldCom. Furthermore, the Petition is not repetitious: OPASTCO and USTA are not requesting the Commission to reconsider or "null" its decision to allow LLCs to manage and oversee the activities of the LNPAs on an interim basis (MCI at 3; WorldCom at 2).

MCI's assertion that the petition is a "disingenuous ... last minute attempt to sabotage a process" (MCI at 6) is not dignified or rational. AT&T's contention that "the LLCs are subject to ample controls to protect the interests of those carriers that elect not to join them" (AT&T at 5) and the several paragraphs it devotes to this subject really begs the question why it and others are frightened by OPASTCO's and USTA's petition.

For the reasons stated herein, OPASTCO and USTA respectfully urge the Commission to reconsider its Second Report and Order in accordance with their petition.

Respectfully submitted,

UNITED STATES TELEPHONE
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ORGANIZATION FOR THE
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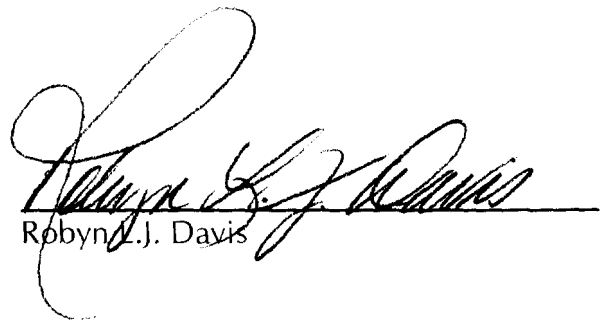
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December 8, 1997

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on December 8, 1997 the Reply to Oppositions to the Petition for Reconsideration of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.



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